

REMARKS

Reconsideration of this Application is respectfully requested.

Description of the Invention

The Examiner has objected to the disclosure because it contains embedded hyperlinks and/or other form of browser-executable code. The specification has been amended above to remove embedded hyperlinks. Thus, the specification complies with requirements under MPEP §608.01, and Applicant respectfully requests that the Examiner withdraw the objection.

Objections to the Drawings

The Examiner objected to the drawings as failing to comply with 37 C.F.R. §1.84(p)(5). Reference numerals 15, 72a, 96, 174, and 202, as well as reference to Figure 9, have been added to the detailed description. The Examiner has objected to reference numeral 245 being included in the drawings. However, Applicant does not see any reference numeral 245 and requests that the Examiner withdraw the objection. The Examiner has objected to the drawings for not including reference numerals 76a, 78d, 80c, 82b, 92a, and 94b. The drawings as currently amended include the cited numerals. Applicant submits that the amended drawings address the Examiner's concerns, and requests approval of the proposed amendments to the drawings and withdrawal of the objection to the drawings.

Rejections under 35 U.S.C. § 102

The Examiner has rejected Claims 1-5 and 7-9 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,956,716, to Kenner, et al. ("Kenner"). A claim is anticipated under 35 U.S.C. §102 only if each and every element as set forth in the claim

is found, either expressly or inherently described, in a single prior art reference. *See, Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). An Applicant's claims are allowable if they are patentably distinguishable over the prior art. MPEP §706.02(b).

Applicant's claims are allowable because they patentably distinguish over Kenner, and Kenner does not disclose all the elements of Applicant's claims. More specifically, Kenner does not disclose preparing by the master of at least one tender for requesting multimedia data of interest and submitting said tender to one or more of the plurality of catchers. The Kenner system simply searches for existing video clips stored at various locations (Col. 4, line 36 – Col. 5, line 19). Kenner additionally does not disclose acquiring and uploading by the one or more of the plurality of catchers said requested multimedia data to the exchange. Kenner does not address the problem of what to do if a requested video does not currently exist within the database. In addition, Kenner does not describe catchers, nor does Kenner describe a tender for compensating the catchers who provide multimedia data to the exchange. Kenner simply provides video of real estate properties so that agents can pre-screen a property without having to actually visit the property (Col. 4, l. 21-34). Kenner in no way addresses any way to acquire data not already in the system. Kenner does not describe a multimedia exchange, master, catcher, or tender as claimed by Applicant. Thus, Kenner does not describe all the elements of Applicant's claims, and the rejection under 35 U.S.C. §102(e) in light of Kenner should be withdrawn.

Rejections under 35 U.S.C. § 103

The Examiner has rejected Claim 6 under 35 U.S.C. § 103(a) as being unpatentable over Kenner, and further in view of U.S. Patent No. 6,601,136 to Gunaseelan et al. ("Gunaseelan"). Applicant respectfully requests that the Examiner withdraw the

rejection because Gunaseelan in combination with Kenner does not disclose or suggest all the elements of Applicant's claims.

In a proper obviousness rejection under 35 U.S.C. §103, there must be a reasonable expectation of success, and the combined references must teach or suggest all the claim limitations. *In re Veak*, 947 F.2d 488 (Fed. Cir. 1991); M.P.E.P. §706.02(j). Here, Gunaseelan does not cure the defects of Kenner, as noted above. Gunaseelan describes a system that attempts to optimize storage media for media already stored within the system (Col. 1, l. 56 - Col. 2, l. 14). Gunaseelan does not describe a multimedia exchange, master, catcher, or tender as claimed by Applicant. Thus, the combination of Kenner and Gunaseelan does not describe or suggest all the elements of Applicant's claims, and the rejection under 35 U.S.C. §103 should be withdrawn

Other amendments to the specification and/or claims have been effected merely for editorial purposes. In all cases, amendments are not intended to waive any rights available to the applicant to further pursue claims to the subject matter of this application in continued prosecution.

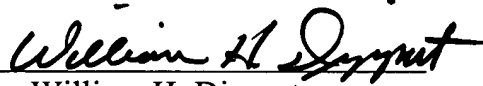
Attached are copies of two sheets of drawings. Proposed corrections to Figures 5b and 5c, shown in red, do not constitute new matter. Applicant requests that the Examiner approve the proposed corrections. After official communication of such approval, Applicant will make the appropriate corrections to the formal drawings.

CONCLUSION

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

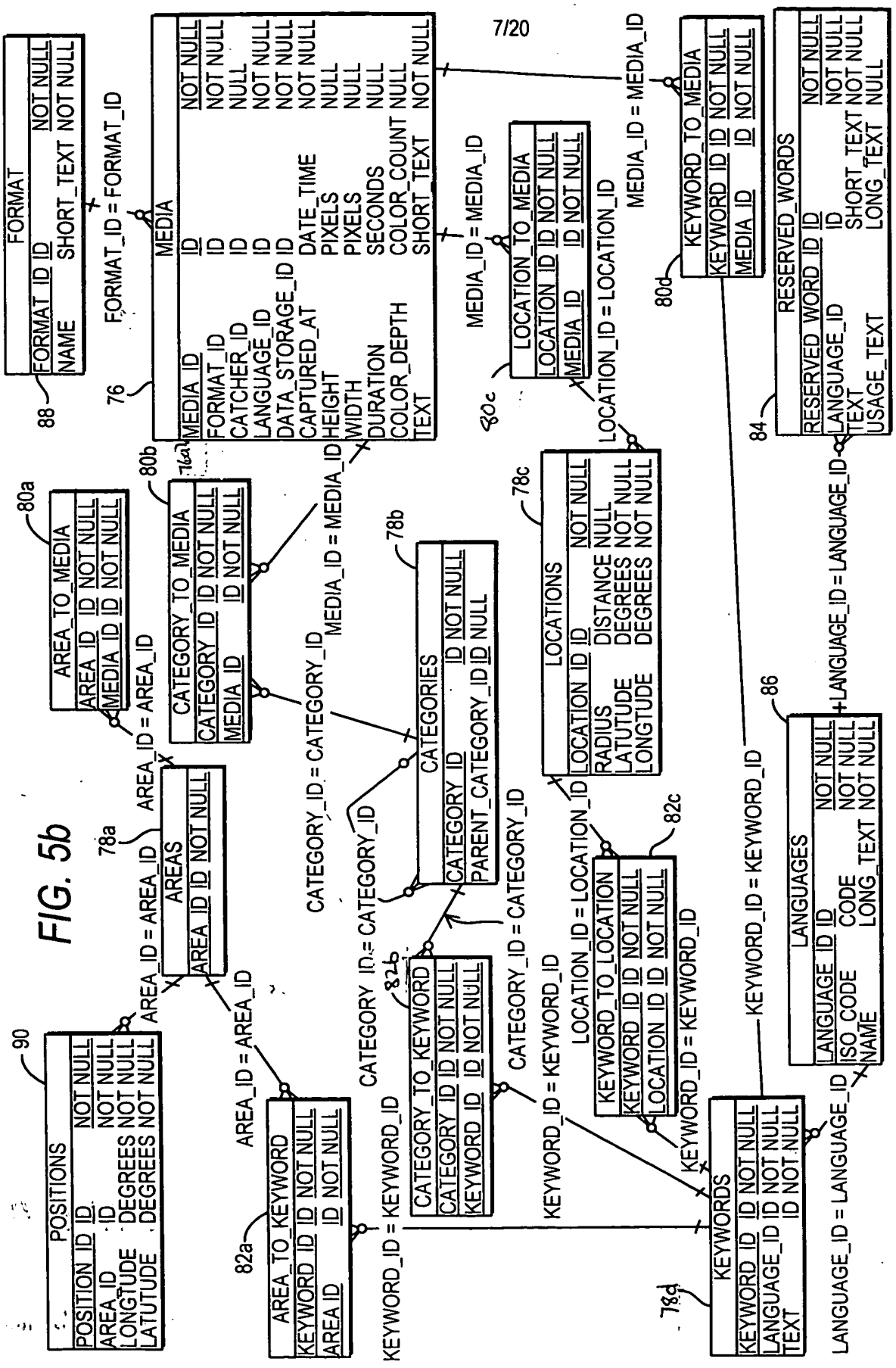
Prompt and favorable consideration of this response is respectfully requested.

Respectfully submitted,

By: 
William H. Dippert
Reg. No. 26,723

Reed Smith LLP
599 Lexington Avenue
29th Floor
New York, New York 10022-7650
Telephone: (212) 521-5400
Facsimile: (212) 521-5450

FIG. 5b



SEP 07 2004

8/20

FIG. 5c

FIG. 5C